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HUMAN RIGHTS COMMITTEE

Thirty-eighth session

SUMMARY RECORD OF THE 967th MEETING

Held at Headquarters, New York,
on Thursday, 29 March 1990, at 10 a.m.

Chairman: Mr. LALLAH

later: Mr. COORAY

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Second periodic report of the Dominican Republic

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Dominican Republic (CCPR/C/32/Add.16)

1. At the invitation of the Chairman, Mr. DIPP GOMEZ and Mrs. de POLANCO (Dominican Republic) took places at the Committee table.

2. Mr. DIPP GOMEZ (Dominican Republic), introducing his country's second periodic report, said that the civil and political rights recognized by the Covenant were protected by the Constitution of the Dominican Republic, which was the supreme law of the land superseding all other norms established by the organs of government. The international treaties and conventions approved and ratified by the National Congress were incorporated in domestic legislation. Consequently, the Covenant and its Optional Protocol formed part of Dominican domestic legislation and closed any gaps that might exist with respect to recognition of human rights in legislation in force.

Constitutional and legal framework within which the Covenant is implemented (article 2 (2) and (3) of the Covenant) (section I of the list of issues)

3. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of the Dominican Republic, as follows: (a) The possibility, if any, of a conflict between a provision of the Covenant and domestic law and how such conflict would be resolved; cases in which the Covenant had been directly invoked before the courts and the results; (b) Factors and difficulties, if any, affecting the implementation of the Covenant; and (c) Information on activities relating to the promotion of greater public awareness of the provisions of the Covenant and the Optional Protocol.

4. Mrs. de POLANCO (Dominican Republic), referring to section I (a), said that upon ratification by the National Congress, the Covenant had automatically become a part of her country's domestic legislation. There had been a few cases when provisions of the Covenant had been invoked in order to protect the rights of persons before the courts. With regard to section I (b), she pointed out that there had been no difficulties in implementing the Covenant because it formed part of Dominican domestic legislation. Turning to section I (c), she said that there was a great awareness among all Dominicans concerning the importance of the Covenant. In addition to government agencies, there were non-governmental committees which periodically disseminated information on the Covenant for the benefit of the entire population.

5. Mr. AGUILAR expressed concern about the late submission of the report and disappointment because it failed to reply to any of the questions raised during the consideration of the initial report of the Dominican Republic. In fact, the second periodic report was almost a copy of the initial report. The State party should

(Mr. Aguilar)

indicate precisely what the status of international conventions was with regard to domestic legislation. For instance, did domestic legislation take precedence over treaty law in the Dominican Republic? Article 8 (1) of the Constitution provided that torture or any other procedure or penalty harmful to the physical integrity or health of the individual shall in no case be imposed. The corresponding provision in article 7 of the Covenant was much broader; it did not include a qualification, namely, the physical integrity or health of the individual. What guarantees were available under Dominican legislation to ensure that the requirements of the Covenant were satisfied? The reporting State should indicate whether there had been cases in which individuals had been subjected to degrading treatment.

6. Referring to article 8 (2) (a) of the Constitution, he inquired whether a person might be imprisoned for failure to pay a debt and what kind of violation of the penal laws led to bodily restraint. The State party should indicate what was meant by the word "subversive" in article 8 (6) of the Constitution. If a law was clearly unconstitutional, could a person advocating non-compliance with such a law be punished? In that regard, the Committee would like to know the nature of the penalties. Under article 8 (9) of the Constitution, the secrecy of telegraphic, telephonic and cable communication was inviolable. He inquired whether exceptions had been made to that rule on the basis of a judicial order and whether telephone tapping was permitted. With regard to article 8 (10) of the Constitution, he asked whether private communications and documents had to be submitted to the information media upon request and if the average citizen also had free access to official documents which did not involve State secrets.

7. The reporting State should also clarify the meaning of the phrase "a democratic organization" in article 8 (11) (a) of the Constitution. In the context of article 8 (15), the Committee wanted to know the legal definition of the terms "family" and "marriage" in the Dominican Republic. Did protection also apply to common law marriages or only those contracted on the basis of a religious or civil ceremony? The State party should indicate whether women who were common law spouses were considered married women under the terms of article 8 (15) (d) of the Constitution and, if not, explain why a distinction was made.

8. Mr. PRADO VALLEJO said that the report dealt largely with domestic legislation. Information on the various procedures followed and difficulties encountered in implementing the Convention would be welcome. It would be interesting to know whether it was possible to invoke the Covenant freely in a court of law and whether the Covenant took precedence over domestic legislation. The State party should provide information on the scope and current status of the preliminary draft referred to in paragraph 9 of the report and explain what legal provisions would be changed. Lastly, he asked how article 100 of the Constitution was implemented. The phrase "talents or virtues" should be further clarified.

9. Mr. Cooray took the Chair.

10. Mr. FODOR said that part I of the report was very short. He would have preferred more information on the protection of human rights in compliance with the guidelines of the Committee. Part II referred at length to domestic legal provisions, especially the Constitution. The Committee needed more information on how the Covenant was implemented in practice, including statistical data. While article 3 of the Covenant covered all persons without restriction, the provision in article 100 of the Constitution on non-discrimination was limited to Dominican nationals. He asked whether there was a statutory provision under Dominican legislation prohibiting discrimination against all persons.

11. Paragraph 8 of the report cited examples of high-level posts occupied by women. The reporting State should provide ample general statistics on the situation of women in the country to give the Committee an idea of how the Covenant was being implemented in that regard. Referring to paragraph 9 of the report, he asked what action had been taken on the preliminary draft for the amendment of current discriminatory legislation against women and would appreciate information about the main features of the new law if it had been enacted.

12. Mr. ANDO requested information on the legal machinery for determining the constitutionality of a law, particularly in cases of discrepancies between the Covenant and domestic legislation. Article 8 of the Constitution, dealing with individual and social rights, made repeated references to "propriety". The reporting State should elaborate on the meaning of that concept in the context of of its Constitution.

13. Mr. MAVROMMATIS said that he was disappointed to see that the report submitted to the Committee by the Dominican Republic did not contain information on the actual application of the constitutional provisions it cited.

14. He wished to draw attention to the distinction between "factors" and "difficulties", on which information was requested in section I (b) of the list of issues. For example, some factors affecting the implementation of the Covenent might be property, economics, illiteracy, past practices, or prejudice. He hoped that the representatives of the Dominican Republic would be able to provide specific information on that question.

15. He also sought further clarification of paragraph 5 of the report, which reproduced article 3 of the Constitution of the Dominican Republic. The wording of the second paragraph of that article was somewhat puzzling. He did not understand what was meant by the term "public powers". The paragraph seemed to reflect a policy similar to that applied by some of the Eastern European Governments in the past; one might say that it was redolent of the Brezhnev doctrine.

16. Mr. EL-SHAFEI said he hoped the representatives of the Dominican Republic would provide information on significant changes that had been achieved in the implementation of the Covenant since the previous report, efforts that had been made to disseminate information regarding the Covenant, and factors and difficulties affecting implementation of the Covenant. He would like to know what State bodies dealt with the protection of civil and political rights and whether,

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(Mr. El-Shafei)

in specific cases, recourse could be had to the Covenant as a legal remedy in the absence of relevant provisions in domestic law. He wondered what measures had been taken to strengthen the judiciary. He would appreciate it if examples could be given of those cases in which court decisions had been based on the Covenant. It would also be useful to have information on the activities of non-governmental organizations concerned with human rights. Finally, further clarification was required on the status of the Covenant in relation to domestic law.

17. Mrs. HIGGINS said she too was disappointed with the report which was extremely thin and did not comply with the guidelines provided by the Committee. With regard to article 19 of the Covenant, for example, the report merely reproduced five lines from article 8 of the Constitution. The Committee needed information on specific examples of the application of the relevant laws. During the discussion of the initial report of the Dominican Republic, members of the Committee had made specific suggestions for the second periodic report. Unfortunately, neither the Committee's guidelines for presentation of reports nor its suggestions had been taken into account in the preparation of the second periodic report.

18. She would like more information, along the lines requested by Mr. El-Shafei, regarding the activities of non-governmental organizations concerned with human rights; more specifically, she would like to know whether the Dominican human rights committee was still active. She would also like to have some information regarding the Government's response to a case which had been brought before the Committee under the Optional Protocol, to which the Dominican Republic was a party. She was referring to case 188 concerning Mr. Martinez Portorreal, which had been considered by the Committee in November 1987. The Committee had conveyed its views to the Government together with a request that the latter provide compensation and other remedies to Mr. Martinez Portorreal. She hoped the representatives of the Dominican Republic would now be able to provide the Committee with the Government's answer in that case.

19. Mr. Lallah resumed the Chair.

20. Mr. COORAY said that he would appreciate some information regarding the labour rights of Haitian sugar cane cutters working in the Dominican Republic. He would like to know whether they had access to effective remedies under article 2 of the Covenant and what measures were being taken to ensure that the authorities concerned enforced the rights enshrined in the Covenant.

21. Mr. WENNERGREN said he also wished to stress the importance of providing information on the real-life human rights situation in the Dominican Republic. He noted that, according to article 2 (2) of the Covenant, States parties undertook to take the necessary steps to adopt such legislative or other measures as might be necessary to give effect to the rights recognized in the Covenant. He could not find in the Constitution of the Dominican Republic any provision to protect individuals from servitude. He had heard allegations that Haitian workers in sugar plantations were subjected to conditions which were tantamount to servitude. He wondered what kind of legal measures were being taken in the Dominican Republic to

(Mr. Wennergren)

protect individuals from servitude. He noted that while article 8 (11) of the Constitution provided for freedom of work, it did not mention protection against servitude.

22. Mr. WAKO said he hoped that the dialogue between the representatives of the Dominican Republic and Committee members would help fill the gaps in the report. While the report provided more legislative information on the articles of the Covenant than the previous report, it lacked the information required under article 40 of the Covenant on the measures adopted to give effect to the Covenant rights and on the progress made in the enjoyment of those rights.

23. He referred to paragraph 3 of the report, which stated that the International Covenant on Civil and Political Rights and the Optional Protocol, as well as the American Convention on Human Rights, remedied any possible gap or deficiency with respect to recognition of human rights in the rest of the legislation in force. He would like to know what gaps and deficiencies there might be in the human rights legislation. He noted that article 10 of the Constitution stated that the enumeration contained in article 8, which listed a number of rights was not restrictive, and hence did not exclude the existence of other rights and duties of the same nature. In the light of paragraph 3 of the report and article 10 of the Constitution, he wondered whether the rights enshrined in the Covenant could be presumed to be included under article 8.

24. Article 46 of the Constitution provided that any law, decree, resolution, regulation or act contrary to the Constitution would be null and void ipso jure. Taking into account article 10, which he had just mentioned, he wondered whether a right that was stated in the Covenant but not in the Constitution would become a right of the citizens of the Dominican Republic. If so, did that right have the same status as the rights set forth in the Constitution or would it merely have the status of an act of Congress? If it had constitutional status, there would be no conflict; however, if it merely had the status of an act of Congress, it could be declared null and void. Did the courts have authority to adjudicate on that issue?

25. From a purely practical point of view, he would like to know what the status of the Covenant would be if a person who alleged that his rights under the Constitution had been violated invoked the Covenant. Would he be able to seek remedies based on the Covenant before judicial and legislative bodies?

26. He noted that article 37 (18) of the Constitution provided that one of the powers of the Congress was to examine annually all acts of the executive power, and to approve them if they conformed to the Constitution and the laws. He wondered how the Congress would be able to enforce human rights, if it found that they had been violated by the executive power.

27. Mr. POCAR expressed disappointment because the report submitted by the Dominican Republic added very little to its initial report and left many questions raised by the Committee unanswered. With regard to the question raised by Mr. Wako, he pointed out that article 10 of the Constitution also referred to

(Mr. Pocar)

article 9, which enumerated duties, which presumably could also be incorporated in the Constitution. He would like to know to what extent, in practice, article 10 had been used to justify imposing other duties or to restrict any rights guaranteed in the Constitution. One could assume that if the list of duties was not complete, and normally duties tended to restrict rights, then the addition of other duties could lead to a derogation from certain rights.

28. Mr. NDIAYE said it was regrettable that the report had been submitted so late; he asked whether the Government might not have staffing problems and some difficulty in keeping its files up to date. That was a common problem in third world countries.

29. Mr. PRADO VALLEJO, referring to section I (c) of the list of issues, asked whether the schools of the Dominican Republic had started teaching human rights as a part of the regular curriculum, as some other countries, including his own, had done.

30. Mr. DIPP GOMEZ (Dominican Republic) said that statistical data was lacking, but in the Dominican Republic there was widespread awareness of the need to respect human rights among both the public and the authorities. Observance of human rights was monitored not only by the national human rights committee, but also by the 8 to 10 daily newspapers published in the capital and the eight television stations. Thus, Dominicans were fully aware of their human rights. Legislation made no distinction between foreigners and citizens. Freedom to work was guaranteed. The law did not need to prohibit slavery because it did not exist.

31. The Haitians who cut sugar cane in the Dominican Republic were treated as brothers. They were paid for their work, their rights were protected, and they were assisted and supported. Haitians freely operated market stalls on the main avenue of Santo Domingo, even though many were undocumented. Some isolated instances of abuse did occur, but it was impossible to control the actions of individuals.

32. He appreciated the Committee's desire to engage in a constructive dialogue, and said that its comments would be noted and reported to the Government in Santo Domingo.

33. Mrs. de POLANCO (Dominican Republic) said that the report had not dealt with the practice, as the country was currently enjoying a climate of freedom and respect for human rights. Labour unions were free to organize, but organizations with the aim of destabilizing the Government were prohibited.

34. With regard to women's rights, draft legislation was now before the Congress to protect the family as defined by civil marriage. Children of a de facto marriage were protected and had inheritance rights, but the wife in a de facto union was not protected and could not inherit from her husband if she became a widow.

(Mrs. de Polanco, Dominican Republic)

35. Sex discrimination did not exist in the Dominican Republic. Article 100 of the Constitution proscribed special privilege for any group, and prohibited legislation favouring one segment of the population over another.

36. In the prevailing climate of enjoyment of human rights, there were no abuses in the detention of prisoners on remand. The reasons for preventive detention were investigated and conditions of detention verified by numerous non-governmental organizations.

37. A constant flow of Haitians crossed the borders to work in the cane fields, but they enjoyed all legal safeguards. Many Dominicans had also started to work in the cane harvest, despite the nearly 1 million Haitians who were competing for those jobs. The Haitians did not work under conditions of servitude or slavery.

38. No statistics had been included, since the Covenant was respected and applied on a day-to-day basis. There was no conflict between the Covenant and domestic legislation, its provisions were included in Dominican legislation, and any person could invoke it.

39. In response to Mrs. Higgins, she announced that a settlement had been reached in the Martinez Portorreal case, and he had agreed to report to the Committee in writing. Non-governmental human rights organizations enjoyed complete freedom and had been very active in the Dominican Republic. Some 20 non-governmental organizations were in operation, in addition to the national human rights committee.

40. There was a high rate of illiteracy, but under the "education for all" programme, literacy education campaigns had been launched and were in progress. Much of the population lived in poverty, but it was not seen as an inherent social phenomenon and the Dominican Republic expected to develop gradually.

41. There was full freedom of the press. Some 45 radio stations were totally free to broadcast any information without having to submit programmes for approval. Confidentiality applied to some matters of State, but the daily newspaper coverage of Government activities should be sufficient evidence of freedom of information. Human rights was not yet taught in the schools, but human rights programmes for the primary level were in the planning stage.

42. She asked for clarification of Mr. Wako's question regarding article 37.

43. Mr. WAKO said that article 37 (18) of the Constitution provided for review by the Congress of acts of the executive power. If the executive branch had infringed human rights, he wished to know what action the Congress could take, and what remedies were provided by the legislative authority. The provisions of international law became domestic law under article 10. He asked whether those provisions were regarded as part of the Constitution, or remained on the level of legislation. Under article 46, they could be voided if they ranked below the Constitution.

44. Mrs. de POLANCO (Dominican Republic) said that article 37 (18) provided for a report on the activities of the executive branch, and did not refer to monitoring of human rights violations, which was the concern of the legislative branch. Regarding article 46, she said that the Constitution was supreme in the hierarchy of law. Any other law, including international law, ranked below it.

45. Mrs. HIGGINS said that, although it had been stated that there was no need to discuss practice since human rights were fully enjoyed in the climate of freedom prevailing in the Dominican Republic, that was no reason not to comply with reporting guidelines.

46. In the Martinez Portorreal case, the State party had failed to provide any information or clarifications to the Committee. The Dominican Republic must communicate with the Committee during the life of a case and after receiving opinions. It seemed a bit contemptuous to say that Martinez Portorreal should have written to the Committee to inform it that the violation had not occurred. The Committee would appreciate a written report from the Government on what had been done in the matter.

47. Mr. POCAR was surprised by the assertion that the report had not referred to practice because the practice met the requirements of the Covenant. The purpose of reports was dialogue on how the Covenant was being applied.

48. Turning to the relationship of the law and the Constitution, he pointed out that article 46 of the Constitution established that the Constitution was above all law, and laws were declared void if they contravened the Constitution. He would appreciate information on how the invalidation of a law was verified, whether by judges or only by the legislature. If judges decided, he asked if their rulings were general or restricted to specific cases. He observed that in countries with a recent Constitution and a former régime that had not been democratic, it often could not be assumed that the spirit of the law was democratic.

49. Mr. WENNERGREN asked what specific legislative measures had been taken to prevent servitude or similar conditions of work on the cane plantations. The labour law provided for inspection, and he asked for details on the powers of the inspecting authorities, how their control powers were made effective, and the enforcement powers they had.

50. Mr. NDIAYE referred to a report of the Committee of Experts of the International Labour Organisation. It documented that Haitians had crossed illegally into the Dominican Republic and were transported to the cane plantations by Government vehicles with military escort. Often those Haitians possessing identification documents were relieved of them by the military. One hundred illegal Haitians and two members of the military had recently died in an accident. The presence of large numbers of Haitian workers with no legal status created very serious problems, and he requested details on the matter.

51. Mr. Cooray took the Chair.

52. Mr. DIPP GOMEZ (Dominican Republic) said that Haitian immigrants were coming to the Dominican Republic to escape the deplorable economic conditions in their own country. In the Dominican Republic, those immigrants found employment and received wages; at times, the immigrants were transported from the border to their place of work by the Dominican police. But, if any abuses existed, they would have been cited by the international human rights organizations which had come to his country in February 1990 and had been free to visit the work sites involved and to ask uncensored questions.

53. His country's relations with Haiti were based on friendship and mutual protection. It employed Haitian workers out of economic necessity and the issue of forced labour had no relevance to that situation. Any attempt to characterize the condition of Haitian immigrants as servitude was sheer propaganda. If the Dominican Republic were a rich country, it would replace the manual labour force with mechanized equipment to cut the sugar cane crop.

54. Mrs. de POLANCO (Dominican Republic) said that, with reference to the Portorreal case, her Government had never denied that a violation had occurred. The authorities had understood that Mr. Portorreal himself had been planning to communicate with the Committee to express his satisfaction with the settlement of the case. She also wished to apologize for any deficiencies in the report; the next one would be in compliance with the guidelines. The intentions of her Government were sincere, and it was receptive to the concerns, comments and advice of the Committee.

55. Mr. NDIAYE said that he found it difficult to understand that lack of adequate machinery had obliged the State to use forced labour. The information to which he was referring could not be confused with propaganda. A report by an expert group of the International Labour Organisation had established the complicity of the Dominican authorities in maintaining the status of illegal immigrants. Thus, not only were those immigrants employed illegally by private enterprises but that situation was in effect being condoned by the State.

56. Mr. DIPP GOMEZ (Dominican Republic) said that his statement had been misunderstood. If the Dominican Republic had had the capital to buy mechanized equipment, there would have been no need to resort to manual labour - by that, he had not meant forced labour. His Government had no policy permitting forced labour nor any desire to promote such activity. It was possible that certain abuses had occurred but they had not been officially sanctioned.

57. Mr. NDIAYE said that the responses of the State party were general and evasive and therefore highly unsatisfactory. The incidents being referred to were not isolated cases and had been documented by reliable sources. Not only were many Haitian immigrants employed illegally and subjected to conditions of servitude, but even workers of Haitian descent ran the risk of losing their identity papers in police raids.

State of emergency (article 4 of the Covenant) (section II of the list of issues)

58. Mrs. de POLANCO (Dominican Republic) said that no situation necessitating the declaration of a state of emergency had occurred in the country since 1965.

59. Any person detained without reason could at all times invoke the writ of habeas corpus without the assistance of a lawyer. In that case, the State had to justify imprisonment in accordance with the law within 48 hours. Otherwise, the individual could not be detained.

60. Mr. DIMITRIJEVIC said that he wished to associate himself with those speakers who had criticized the report for referring only to constitutional provisions. Paragraph 10 of the report provided a good example. Instead of setting out in detail all the relevant legislation and applications thereof, the paragraph simply referred the reader to article 55 (7) of the Constitution.

61. Although the State party had asserted that there had been no state of emergency since 1965, the media had reported the declaration of a state of emergency in the Dominican Republic in 1984 in response to disturbances following price increases. In that connection, he wished to know whether any specific measures had been taken to end those disturbances. If so, had those measures been equivalent to a state of emergency, as defined in the International Covenant, and had other State parties been informed?

62. Mr. AGUILAR endorsed the remarks of the previous speaker with respect to paragraph 10. As far as he could discern, under the Constitution of the Dominican Republic, none of the rights protected under article 4 of the Covenant could be derogated from during a state of emergency. He would appreciate more information on the duration of a state of emergency.

63. Mr. EL-SHAFEI said that the State party should clarify exactly which rights could not be derogated from under a state of siege.

64. Mr. ANDO said that he wished to endorse the statements of Mr. Dimitrijevic and Mr. El-Shafei.

65. Mr. DIPP GOMEZ (Dominican Republic) said that neither the President nor the Congress had had reason in more than 20 years to declare a state of emergency. The 1984 disturbance had been a tragic but transitory situation during which no rights had been suspended.

66. A state of emergency could be expected to last as long as the situation giving rise to it continued. Under a state of emergency, only those rights pertaining to transit, correspondence and labour could be restricted. Under no circumstances could there be a derogation from article 6 of the Covenant concerning the inherent right to life.

67. Mrs. de POLANCO (Dominican Republic) said that during a state of siege, all individual rights were safeguarded, not only the right to life.

Non-discrimination and equality of the sexes (articles 2 (1), 3 and 26) (section III of the list of issues)

68. Mr. DIPP GOMEZ (Dominican Republic) said that under the legislation of his country, there was no discrimination of any kind on any grounds. Everyone was considered equal before the law. All individuals, including foreigners, could assert their rights or interests before the courts.

69. Access to higher education was unrestricted in the Dominican Republic. Although no specific statistics were available, he estimated that there were more women than men in the university system, since a large number of men opted for technical training.

70. Although the legislation provided full equality of the sexes, certain women's groups believed that the legislation could be improved and had put forward proposals to that effect.

71. Mrs. de POLANCO (Dominican Republic) said that in the universities of the Dominican Republic, women represented more than 50 per cent of the enrolment in liberal studies. Women were also gaining ground in the technical fields. Obviously, her Government wished to increase the participation of women and was in the process of doing so.

The meeting rose at 1 p.m.

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Thirty-eighth session

SUMMARY RECORD OF THE 968th MEETING

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on Thursday, 29 March 1990, at 3 p.m.

Chairman: Mr. LALLAH

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of the Dominican Republic (continued) (CCPR/C/32/Add.16)

1. At the invitation of the Chairman, Mr. Dipp Gomez and Mrs. de POLANCO (Dominican Republic) took places at the Committee table.

Non-discrimination and equality of the sexes (articles 2 (1), 3 and 26 of the Covenant) (section III of the list of issues)

2. The CHAIRMAN read out section III of the list of issues concerning the second periodic report of the Dominican Republic, namely: (a) what legal provisions in addition to article 100 of the Constitution provided guarantees conforming to the provisions of articles 2 (1) and 26 of the Covenant; (b) relevant statistics on the proportion of the sexes in schools and universities; (c) to what extent remaining inequalities were addressed by the draft bill amending existing legislative provisions that discriminate against women and what its current status was; and (d) in what respect the rights of aliens, particularly Haitians, were restricted as compared with those of citizens.

3. Mr. AGUILAR URBINA asked whether unmarried women enjoyed full civil capacity. In connection with paragraph 51 of the report, he asked what practical problems had been encountered in implementing article 26 of the Covenant and article 100 of the Constitution, particularly in respect of Haitians.

4. Mr. FODOR said that article 100 of the Constitution, quoted in paragraph 51 of the report, referred to the equality of all Dominicans. He therefore wondered whether there were statutory provisions covering non-nationals as well. The representative of the Dominican Republic had stated that since servitude and discrimination did not exist, no specific provisions were required concerning them, but since article 100 of the Constitution was limited to nationals he wondered what provisions a foreigner could invoke before the courts when his rights were violated and he suffered discrimination.

5. Mr. DIPP GOMEZ (Dominican Republic) replied that all women had the same rights, and thus unmarried women also enjoyed full civil capacity. Children of foreigners could never be denied the right to recognition as Dominicans. While it was true that the Constitution had been enacted for Dominicans, everyone was still equal before the law. A court case could be decided in favour of foreigners. The laws covered all individuals legally in the country. No legislation on servitude had ever been enacted because servitude did not exist, but the Labour Code protected workers against ill-treatment.

6. Mrs. de POLANCO (Dominican Republic) said that the community property régime and patria potestas were being changed because they were discriminatory.

Right to life (article 6 of the Covenant) (section IV of the list of issues)

7. The CHAIRMAN read out section IV of the list of issues concerning the second periodic report of the Dominican Republic, namely: (a) what rules and regulations governed the use of firearms by the police and security forces and what measures had been taken to prevent the recurrence of any violations of those rules and regulations; and (b) what the country's infant mortality rate was, how that of minority groups compared to that of the rest of the population, and what measures had been taken to improve infant health care.

8. Mr. DIPP GOMEZ (Dominican Republic) said the permission to use firearms required a psychiatric examination and a certificate of good conduct. Severe punishment was prescribed for the illegal possession of firearms.

9. He had no statistics on infant mortality, but the figures were high and the Government viewed them with concern. A public information and vaccination campaign was under way to protect the lives of young children and reduce the infant mortality rate.

10. Mrs. de POLANCO (Dominican Republic) drew attention to articles 115 and 116 of the Penal Code, which regulated the possession of firearms. Excesses by the police were punishable by fines and prison terms.

11. With regard to infant mortality, the current vaccination campaign had eliminated many childhood diseases.

12. Mr. AGUILAR URBINA said that newspaper reports from the Dominican Republic would suggest that article 6 of the Covenant and article 8 of the Constitution were not being taken seriously. There seemed to be many trigger-happy police in the country and he wondered whether deaths caused by them had been investigated and whether the policemen involved had been punished. A spokesman for the national police force had been quoted as saying that those who had been shot and killed all had had long criminal records. Did that mean that the police were arrogating to themselves the right to execute alleged criminals? Did a criminal record create the presumption of subsequent guilt? Actually, in the incident in question, the persons killed had at no time been found guilty of any crime. That same spokesman had even said that nothing would stop the police in its efforts to maintain peace and order. What punishment was meted out to police officials who made such statements? Did police get human rights training?

13. Mr. WAKO said he wondered how the laws regulating firearms and the excessive use of force operated in practice. What facilities existed to investigate cases of abuse, and how many violators had ever been prosecuted and sentenced? Allegations had been heard, for example, of Haitians being killed for refusal to work. Had any individuals died while in police custody, and if so, what was the procedure for investigating such deaths?

14. Mr. WENNERGREN asked whether the individuals described by the police spokesman as having long criminal records had been armed, thereby suggesting the possibility of self-defence. He also wished to know what kind of psychiatric tests were administered to policemen before they were allowed to use firearms and whether those tests stressed reliable judgement.

15. Mr. DIPP GOMEZ (Dominican Republic) said that the newspaper articles referred to made it clear that there was complete freedom of the press in the country and that no one was afraid to criticize the authorities. He was not familiar with the comments attributed to a police spokesman, but noted that policemen had been punished for excesses. The police sometimes had to deal with armed muggers, resulting in death on both sides, but the police had a duty to protect society. He was unaware of any Haitian being killed simply because of his nationality.

16. Deaths in prison were not at all common, but occasionally there were suicides and deaths resulting from fights among prisoners. Prisoners were protected against abuse and had access to appropriate recourse procedures. They also had had normal contacts with the outside world. The psychiatric examinations for entitlement to use firearms were devised and administered in a very professional manner and were designed to ensure that the individual was well balanced.

17. Policemen underwent a four-year training period and were very civic-minded. They were not a repressive force and they enjoyed the confidence of the population. There was no persecution of individuals or groups. If a member of an armed service committed an abuse he would be tried like anyone else.

18. Mrs. de POLANCO (Dominican Republic) said that since the country had no death penalty the stress was on the rehabilitation of prisoners. Increasing criminality in the country was the result of drug abuse, as in many other countries, and young criminals were sometimes armed and killed both civilians and policemen. The newspapers unfortunately tended not to give equal coverage to the deaths of policemen. The excessive use of force would be met with the dismissal and trial of the perpetrator, who would then be treated like any other criminal.

19. Mr. WENNERGREN asked what official procedures were followed when someone was killed by a police officer and whether there were any statistics on how many such killings had taken place.

20. The CHAIRMAN said that what Committee members wished to know was whether any special measures were taken when officials violated the right to life.

21. Mrs. de POLANCO (Dominican Republic) said that such cases were covered by articles 114 and 115 of the Penal Code. When an apparent violation occurred the official involved was taken into custody and a commission appointed to investigate the case; if it was found that a violation had taken place the official was brought before a court immediately, and, if appropriate, sentenced.

22. Mr. WAKO asked if the Committee could be given examples of what had happened in specific cases.

23. Mrs. de POLANCO (Dominican Republic) said that she did not have specific figures on such cases. She could assure the Committee, however, that the figures were not very high. Such cases were not a common occurrence and when they did occur it was usually in the context of a clash between the police and armed criminals. She knew that there were some cases in which police officials had been imprisoned for abuse of power and many cases in which they had been brought before the courts.

Treatment of prisoners and other detainees (articles 7 and 10 of the Covenant) (section V of the list of issues)

24. The CHAIRMAN read out the questions listed under section V of the list of issues, namely: (a) what controls had been instituted to ensure that persons arrested or detained were not subjected to torture or to cruel, inhuman or degrading treatment; (b) what arrangements existed for the supervision of places of detention and what were the procedures for receiving and investigating complaints; (c) were the United Nations Standard Minimum Rules for the Treatment of Prisoners complied with and were the relevant regulations and directives known and accessible to prisoners; (d) what was the distinction in paragraph 24 of the report between untried prisoners and prisoners under preventive detention and what was meant by the reference to "special treatment" in the case of the latter; (e) clarification of the distinctions among penitentiaries, prisons, establishments for prisoners sentenced to hard labour and special institutions mentioned in paragraph 21 of the report; (f) information on detention in institutions other than prisons and for reasons other than crimes (e.g. in psychiatric institutions).

25. Mr. DIPP GOMEZ (Dominican Republic) said that the Constitution prohibited torture and cruel, inhuman or degrading treatment and such practices did not take place.

26. Mrs. de POLANCO (Dominican Republic) said that Act No. 284 regulated the treatment of prisoners and other detainees; torture or inhuman treatment was prohibited under article 5 of that law. There was a system of prison administration, staffed with psychologists, doctors, vocational-training staff, etc. The Dominican Republic complied with the United Nations Standard Minimum Rules for the Treatment of Prisoners to the best of its ability, although because of its economic situation there were not enough prisons; more were being built in order to make it possible to keep different categories of prisoners separate. Unfortunately, a very high percentage of prisoners were persons in preventive detention awaiting trial, but an effort was being made to reduce their number. The Dominican Republic did not have special hospitals or psychiatric institutions for prisoners; prisoners were sent to ordinary hospitals or psychiatric institutions when they needed medical or psychiatric care.

27. Ms. CHANET said that a serious human rights problem seemed to exist with regard to Haitian workers in the Dominican Republic. She associated herself with the questions asked on that subject by other members of the Committee. In general, she would like more information on the situation of those workers and the laws governing their employment.

28. Mr. PRADO VALLEJO said that what concerned the Committee was whether the laws governing the situation of prisoners and other detainees were being complied with by all agents of the State. It was known that Haitian workers were sometimes subjected to inhuman treatment; the Committee wished to know whether the Dominican Government had taken measures to prevent and punish such treatment and what recourse workers or detainees had against such treatment. He would also like more specific information on what action the Government planned or had already undertaken to improve prison conditions.

29. Mrs. HIGGINS asked what was the distinction in Dominican law between untried prisoners and prisoners in preventive detention, and commented that, whatever the legal situation, for people to remain in prison before trial for periods as long as or longer than they might be sentenced to constituted a significant human rights problem.

30. With regard to paragraph 19 of the report, she asked whether the legal provision quoted referred to the movement of persons from prison establishments for psychiatric or medical care or whether there were other circumstances in which such removals were possible.

31. Mr. AGUILAR URBINA noted that the Covenant went further than the constitutional provision quoted in paragraph 6 of the report in prohibiting cruel, inhuman or degrading treatment and asked whether there was any other legislation on that subject in the Dominican Republic and whether cases of such treatment had arisen. In that connection, he wished to refer to the matter of servitude, because it also involved inhuman or degrading treatment and was therefore not only an economic but also a human rights problem.

32. Noting that the Dominican Director of Prisons had been quoted in the Dominican press as saying that 87 per cent of all prisoners were persons awaiting trial, he asked what could be done to alleviate that situation and to implement the requirements of the Covenant concerning the separation of accused or imprisoned juveniles from adults.

33. Mr. WENNERGREN asked if figures were available on the prison population, for example from 1985 to the present, and wondered how rehabilitation could be carried out if the prisons were overcrowded. Noting that the Committee had dealt with the case of a person transferred in 1984 to a cell in which inhuman conditions existed, he asked whether that cell was still being used and what prison conditions were in general at present.

34. Mrs. ANDO asked whether legal provisions requiring the segregation of juvenile from adult prisoners existed or whether, as paragraph 23 of the report indicated, such segregation was still regarded as only "desirable".

35. Mrs. de POLANCO (Dominican Republic) replied that there had been an agreement between the Dominican Republic and Haiti regarding the entry of migrant sugar-cane workers from Haiti, but each year large numbers of them violated the agreement and stayed illegally; so that there were now over 1 million Haitians in her country.

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They were not persecuted, and could be found engaged in all kinds of activities. Unquestionably, however, the illegal workers were often subject to arbitrary treatment on the part not simply of the Government but also of private plantation owners. Advantage was taken of them in the form of lower salaries and lack of social benefits. Those who had stayed on illegally were not entitled to any benefits; but jus soli applied to all children of migrants who had been born in the country and had documented proof of the fact, entitling them to an identity card. Her Government would provide the Committee with statistics giving a fuller picture of the Haitian problem, which worried it as well.

36. Untried prisoners - prisoners under preventive detention, as referred to in paragraph 24 of the report - were those who had been charged on the basis of evidence but not yet tried or sentenced. Although such offenders were normally released on bail, those charged for instance with drug-related crimes would be remanded in custody rather than being released. Unfortunately, there was much drug addiction in the Dominican Republic. The transfer order referred to in article 8 (2) (f) of the Constitution (para. 19 of the report) concerned only transfers from one prison to another.

37. It was true that there was much overcrowding in her country's gaols, which held over 7,000 prisoners, many of them under preventive detention. Efforts to re-educate juveniles were, however, being made. They were taught manual trades in prison or allowed to continue their studies. Act No. 224 (para. 23 of the report) had produced excellent results because it had set up a staff to oversee conditions in all prisons and in particular monitor the treatment of juveniles. There were special courts and special prisons for minors under 18, although some minors could be found in the regular prisons.

38. A national prison-construction programme was under way and her Government was trying to institute modern penal methods and to rehabilitate prisoners so that they could re-enter society. A Penitentiary Commission set up by the Roman Catholic Archdiocese was working in the prisons, as were many private foundations and commissions. Professional associations of lawyers were also striving to make the prison system work and to help in rehabilitation. The "Viet Nam cells" that had been referred to were fortunately a thing of the past; there had been such cells in police headquarters, but they had all been dismantled.

Liberty and security of the person (articles 9 and 11 of the Covenant) (section VI of the list of issues)

39. The CHAIRMAN read out section VI of the list of issues, namely: (a) the promptness with which a person's family was notified after an arrest and with which the person could contact a lawyer; (b) the maximum period of pre-trial detention; (c) additional information concerning the summary procedure established under the Habeas Corpus Act (para. 6 of the report) and any difficulties encountered in ensuring compliance with the provisions of article 8 (2) (a) to (g) of the Constitution.

40. Mrs. de POLANCO (Dominican Republic), referring to section VI (a) of the list of issues, said that families were informed immediately, which was not difficult in a small country like the Dominican Republic. If an arrested person could not afford it, the State always provided free legal defence counsel.

41. Concerning section VI (b), the law stipulated five days as the maximum period of pre-trial detention, but in practice that time-limit was not always observed because the courts were too overloaded. With regard to section VI (c), according to the summary procedure under the Habeas Corpus Act, any individual who considered that his rights had been violated could take action by applying to the Public Prosecutor's Office (Ministerio Público) with evidence that he had been imprisoned unjustly or by a non-competent person. A judge was obliged to hear the case, even without an order from the Public Prosecutor's Office. Habeas corpus was a very prized institution inherited from English law, valued particularly for its specificity. Individuals had recourse to it daily, with excellent results. At one point, the Government had considered amending the habeas corpus procedure to require the Public Prosecutor (el Fiscal) to inform the House that a case was to be brought before a judge, but it had decided against that since it felt that a habeas corpus action had to be a fully independent act by the individual whose rights were violated.

42. Mr. AGUILAR URBINA said that his own concerns regarding excessive pre-trial detention had been satisfied, but asked why the penalties for ordering or committing arbitary acts or acts prejudicial to individual liberty or the political rights of an individual (para. 20 of the report) for public officials, agents or representatives of the Government under article 114 of the Penal Code were different from the penalty for Ministers of State under article 115. The former were removed from their posts and brought to trial whereas the latter were subject to "local expulsion".

43. He pointed out that a question he had asked at the previous meeting had not been answered, namely, what offences would under the law be punishable by bodily restraint (para. 25 of the report).

44. Mr. FODOR noted that it was the general practice of States to issue a writ of habeas corpus automatically, without the kind of special order from a competent authority that was required under Dominician law. In a case where such an authority declined to issue an order, would not the person's continuing detention have to be considered arbitary?

45. Mr. MAVROMMATIS questioned whether the penalty of "demotion" provided for in article 114 of the Penal Code (para. 20 of the report) was a sufficient punishment for the offences in question. How, for instance, could mere guards or wardens be demoted? Did it include dismissal? Also, it was not clear why government officials should be punished only for acts prejudicial to the political rights, but not the civil rights, of an individual.

46. The second stipulation of article 114, that someone committing the acts in question on the order of a superior officer would go unpunished, was in his view

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unjustifiable. No one could be allowed to commit an unlawful act through allegiance, and there could be no doubt that an inferior should not obey such an order. Such a provision encouraged junior officers to violate the law with a certain degree of impunity. Would that same provision regarding obedience apply if the order involved killing someone? He asked for examples of how it had been applied. He wondered whether the fact that an obedient junior officer could not be punished could be used as a defence in a civil action brought against him by a person whose rights had been violated, and whether the person could bring action against both the senior and the junior officers. He asked also for clarification of the penalty of "local expulsion" in respect of Ministers of State, under article 115 of the Penal Code.

47. Mr. DIPP GOMEZ (Dominican Republic) said that while article 115 of the Penal Code provided for "local expulsion" (destierro), or internal banishment, the Constitution did not; and the provision was in effect an anachronism. To his knowledge no one had ever in recent times been sentenced to internal banishment.

48. The penalty of bodily restraint (para. 25 of the report) was applicable only in cases where a convicted offender could not afford to pay a fine to which he had been sentenced and was made to serve equivalent time in prison.

49. Under the Habeas Corpus Act, any person arrested must be produced immediately before a judge upon request, and any official who concealed an arrest was automatically considered an accomplice and could be tried for the offence in question.

50. Mrs. de POLANCO (Dominican Republic) added that the Constitution envisaged certain instances in which there might be reasons for not wishing to produce a person immediately and consequently had stipulated the added security of obtaining a written order for habeas corpus.

51. What was described as "demotion" in the report (para. 20) referred to the penalty under article 114 of the Penal Code of degradación Civica, by which an official was stripped of his post and his official capacity and relegated to the status of an ordinary citizen and as such subject to trial in the ordinary courts.

52. Under article 114, when a junior officer committed an unlawful act on the order of a superior officer, it was the superior officer who was sentenced. Many cases of such violations were currently before the courts. The provision, it should be noted, dated from the Napoleonic Code, and the Government was gradually reforming the entire Penal Code. Another provision of the Penal Code, article 341, provided that private citizens, and not simply officials of the Government, could be punished for arbitrary acts or acts prejudicial to the freedom or political rights of an individual.

Right to a fair trial (article 14 of the Covenant) (section VII of the list of issues)

53. The CHAIRMAN read out section VII of the list of issues, namely: (a) the means of guaranteeing the independence and impartiality of the judiciary, and how the selection of judges by the Senate conformed to the principle of such independence; (b) information on the legal and administrative provisions governing tenure, dismissal and disciplining of members of the judiciary; (c) information on the availability of free legal assistance to criminal defendants.

54. Mr. DIPP GOMEZ (Dominican Republic) said that judges were appointed by the Senate in order to ensure the independence of the judiciary. In practice, however, many judges had been influenced by the legislators to whom they were beholden and there were cases in which the Supreme Court had disciplined judges who had not acted independently. It was the task of the Supreme Court regularly to oversee the conduct of judges. When a new Congress was elected, new judges were appointed: the mandate of judges was coterminous with that of the legislators. As to free legal assistance, it was available to all who needed it.

55. Mr. ANDO asked for further clarification of section VII (b): were judges of all ranks, or only Supreme Court judges, elected by the Senate, and did the Senate dismiss them?

56. Mr. MAVROMMATIS asked whether there was any other independent body that could appoint judges, and how in any case their tenure was secured. The practice of having the Supreme Court serve only at the pleasure of the legislature was a very doubtful one. The classical ways of ensuring an independent judiciary were through security of tenure, unvarying emoluments, mandatory retirement at a certain age, and the like. Also, he wondered whether all judges were immune from prosecution for anything that they had done or failed to do in the exercise of their duties.

57. Mr. WAKO requested details about how the Senate elected judges of the Supreme Court and the Court of Appeal. Specifically, he wished to know whether judges were put forward for election by political parties, or whether they could stand for election of their own accord. He inquired whether judges remained in office for long periods of time, or whether there was a high degree of turnover, with the result that there was a completely new Supreme Court and a new Court of Appeal every few years.

58. He had heard that some judges had been disciplined for not being independent, and he wished to know who determined that a judge was not acting independently and who was responsible for disciplinary measures.

59. Finally, he requested additional information on the provision of free legal assistance to criminal defendants. In particular, he wished to know whether such assistance was organized and funded by the State or by the bar.

60. Mr. PRADO VALLEJO said that article 8 (2) (j) of the Dominican Constitution provided that hearings would be public "unless excepted by law in cases where

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publicity might be prejudicial to the public order or to good customs". He wondered whether sentences must also be published. Article 14 (1) of the Covenant stated that any judgement rendered in a criminal case or in a suit at law would be made public except where the interests of juvenile persons otherwise required or the proceedings concerned matrimonial disputes of the guardianship of children, and he pointed out that article 8 of the Constitution did not specifically provide for such situations.

61. He inquired whether Haitians who did not speak Spanish were provided with interpreters when they were involved in court proceedings and whether there was any legislation to that effect.

62. Mr. COORAY said that he was not convinced that the appointment of judges by the Senate was consonant with the independence of the judiciary. He understood the independence of the judiciary to mean that judges should be independent of both the executive and legislative branches of government. When the Committee had considered the initial report of the Dominican Republic, in 1985, the representative of the Dominican Republic had said that the Dominican legislature was considering a bill which would give the Supreme Court the authority to appoint all judges. He wished to know whether that bill had become law.

63. Most constitutions contain provisions regarding the security of tenure of Supreme Court judges. In the Dominican Constitution, such provisions were conspicuous by their absence. He requested information regarding the independence of the minor judiciary, and also on judges' freedom from removal and disciplinary control. In particular, he wished to know what procedure was adopted before a judge was removed. Did a judge in such a situation have the right to be heard, and were there special proceedings before the legislature for his removal?

64. Mr. DIPP GOMEZ (Dominican Republic) said that the procedures for electing or dismissing judges were set out under Title VI of the Dominican Constitution. All judges were appointed by the Senate; while that was not a perfect arrangement, that was the law under the Constitution. There had been a number of attempts to amend the Constitution; however, that was a very delicate matter which required the approval of both the executive power and the Congress. He agreed with members of the Committee regarding the need to ensure the continued tenure of judges. In practice, however, each new Senate (elected every four years) appointed new judges. Sometimes two or three months could elapse before a new judge was appointed.

65. Sentences were public but were not published. However, journalists could write about any sentence they found interesting, and any individual could go to the court and receive a copy of a sentence. While article 8 (2) did not specifically mention cases involving minors, such cases could be closed to the public in order to protect the minor concerned. If it was felt that an issue could disturb the public order, the court might decide on a certain degree of privacy during the hearings.

(Mr. Dipp Gomez, Dominican Republic)

66. Haitians who did not speak Spanish were provided with court interpreters. Court interpreters were regularly employed by the courts in order to ensure that aliens had every means of making themselves understood in Dominican courts.

67. Mr. ANDO said that, according to article 67 of the Dominican Constitution, the Supreme Court had exclusive power to exercise the highest disciplinary authority over all members of the judicial branch and to transfer judges, provisionally or permanently, from one jurisdiction to another. Perhaps the Supreme Court also had the authority to appoint judges, and he requested that the Dominican Republic provide more information on that matter in its next report.

68. Mrs. de POLANCO (Dominican Republic) said that, while a newly elected Senate sometimes extended the tenure of judges, more often than not it appointed new ones. Efforts were being made to change that situation and to establish a national council which would be responsible for the selection of judges.

69. The Supreme Court had exclusive power over all other magistrates and could apply disciplinary measures whenever a judge committed an unlawful act. In such cases, judges lost their immunity.

70. The State was duty-bound to provide criminal defendants with the services of lawyers and interpreters; such services were rendered free of charge. State attorneys were directly appointed by the executive branch.

71. The Dominican Republic was endeavouring to ensure the impartiality of its judges. When the Senate elected members of the judiciary, it held a plenary session at which it took account of recommendations and requests made by the bar association. The Senate did not follow any particular political line, and they used the advice of the bar association to ensure that the persons most qualified for the administration of justice were elected.

72. When judges of the Supreme Court acted against the law, they could be brought to trial. In such instances, the accused judge lost his immunity.

73. The CHAIRMAN said that it would be helpful if the Dominican Republic could provide the Committee with the text of the law which permitted derogations from the immunity of judges. If the representatives of the Dominican Republic were not able to provide the text at the current session, he requested that they include it in the third periodic report of the Dominican Republic.

Freedom of movement and expulsion of aliens (articles 12 and 13 of the Covenant) (section VIII of the list of issues)

74. The CHAIRMAN read out section VIII of the list of issues concerning the second periodic report of the Dominican Republic, namely: (a) clarification of the reference to the penalty of "local expulsion" (destierro) contained in section II of article 115 of the Penal Code; and (b) information regarding the legal provisions governing the expulsion of aliens, and whether an appeal against an expulsion had suspensive effect.

75. Mr. DIPP GOMEZ (Dominican Republic), referring to section VIII (a), said that, while the Penal Code provided for the penalty of "local expulsion", there was no reference to that penalty in the Constitution. To his knowledge, that penalty had never been applied.

76. Referring to section VIII (b), he said that any alien who arrived in the Dominican Republic was subject to Dominican immigration laws. If the immigration authorities considered that an alien should not be admitted, that individual could be sent back to his country of origin. In the Dominican Republic, most aliens obeyed the law; those that did not were expelled. In general, aliens were well treated and were allowed to engage in any activity provided under Dominican law.

77. Mr. EL-SHAFFEI said that the second periodic report of the Dominican Republic had not provided sufficient information about the rights of aliens under articles 12 and 13 of the Covenant. He wished to know whether the Dominican Republic had concluded any agreements with Haiti or other countries regarding the employment of aliens.

78. It appeared that there were several situations in which the provisions of article 13 were not observed in the Dominican Republic. For example, identity documents were sometimes confiscated from aliens. He wished to know what happened when expulsion measures were applied against legal or illegal workers. Were such persons granted recourse to the courts for a review of those measures?

79. Mr. AGUILAR URBINA requested more information about the penalty of "local expulsion". Other Latin American countries had made regular use of the penalty of exile in order to prevent their citizens from leaving or re-entering the country. He wished to know what guarantees were given to Dominican citizens to allow them to re-enter the country. He inquired whether "local expulsion" applied to exile within the territory of the country, and to what extent such exile impeded the exercise of the freedom of movement.

80. Mr. POCAR said that the Committee needed to know the content of existing Dominican laws which could restrict freedom of movement, so that it could determine whether such laws were compatible with article 12 of the Covenant.

81. It had been reported that some Haitians who went to work in the Dominican Republic were prevented from leaving and were forced to remain and work in that country. That practice violated paragraphs 2 and 4 of article 12 of the Covenant, and he inquired what the Government of the Dominican Republic was doing to prevent such situations. In particular, he wished to know what instructions were given to the Dominican security forces who were said to be responsible.

82. He requested more information on the expulsion of aliens. Such information should include statistics indicating the number of annual expulsions, and should indicate the specific reasons for expulsion.

83. Mr. PRADO VALLEJO wished to know what recourse an alien had against his own expulsion from the Dominican Republic. He was also interested in knowing what was the legal status of Haitians in the Dominican Republic.

(Mr. Prado Vallejo)

84. The representative of the Dominican Republic had stated that many aliens worked illegally in that country, and he wished to know what measures were being taken to protect the rights of such workers.

The meeting rose at 6.05 p.m.